IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4737 OF 2004

Sunil Gaman Khairnar ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. S.B. Shetye, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

1st November 2004

P.C.:

. Heard Counsel for the parties. Perused the record. The father of deceased registered written complaint (typed) before the Malegaon Camp Area Police Station being CR.No. I-91/2004 on 7th June 2004 alleging that his daughter, deceased Sushama, was severely beaten to death by the Applicant on 5th June 2004. It is not in dispute that the father of the deceased visited the hospital and took away the body of the deceased for carrying out the last rites. The

written (typed) complaint has been registered only in the evening of 7th June 2004. The investigation is completed. The post mortem report and the inquest panchnama does not support the prosecution case of assault on the deceased Sushma. If it is so, the Applicant deserves to be enlarged on bail. The learned A.P.P., however, contends that although charge sheet has been filed, viscera report is still awaited. This submission clearly overlooks the fact that the prosecution case is quite specific,one of assault on the deceased Sushama, to which she succumbed. It is not even suggested that Sushama was administered poison, which caused her death. In the circumstances, this application is allowed on the following terms and conditions.

(a) The Applicant is enlarged on bail in connection with CR.No. I-91/2004 registered with Malegaon Camp Area Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) with two local sureties in the like amount.

(b) The Applicant shall report to the

investigating officer once in fortnight on Saturday between 10 a.m. to 1 p.m.

(c) The Applicant shall not tamper with the prosecution evidence or influence the prosecution witnesses in any manner whatsoever.

(d) The Applicant shall extend full co-operation for early disposal of the case. If the trial Court is of the opinion that the Applicant is responsible for delay of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)